

WICHITA, KANSAS: SUNDAY MORNING, FEBRUARY 21, 1904.

### OUTSIDE COURT ROOM

Incidents in Connection with the Dewey Trial.

### HISTORY OF THE CASE

Cost of Trial in Cheyenne County, \$15,000.

R. F. Walker writes the following "side-lights" on the Dewey case for the Topeka Capital:

The cost of the prosecution of the Dewey case is just now an item of considerable interest. It will all have to be borne by Cheyenne county. A careful estimate of the cost of the case, based on talks with court officials who have given the matter attention, places it at about \$15,000. The population of Cheyenne county is 2,000, which would make the cost amount to five dollars for every man, woman and child within the borders of the county. The number of property owners in the county, that is persons who pay taxes, is probably in the neighborhood of 500, so it will at once be seen that the taxpayers out here are facing a serious proposition. Taxes are already high in northwest Kansas, and Cheyenne is no exception. The present costly case comes at the most favorable year for the taxpayers. The county has had an era of good crops for the past three years and the people are in better circumstances than at any other time in their history. C. P. Dewey owns hundreds of acres of land in Cheyenne county and will have to pay a goodly sum for the prosecution of his own son in the present case. Cheyenne county has always been noted for its exceedingly economical administration of its public affairs. Nothing like extravagance or waste has ever been tolerated in the handling of public funds. Every item of cost in the present case will be closely scrutinized before being allowed and it is only reasonable to assume that litigation will grow out of it. It will be years before the affair is settled up and everything wiped from the records of the county. The great cost of the Jesse Morrison case in Butler county caused consternation among the taxpayers there. Butler county has seven or eight times the population of Cheyenne county. The farmers are wealthy and the county's resources vast. Here then comes a county with a case equally as costly to a county, which by comparison is almost a beggar.

But Cheyenne county will not go into bankruptcy. It is not the mettle of the Kansas pioneer to quail before adversity. Cheyenne county will go even further if necessary. It will order the other indictments against the Deweys prosecuted. But there will be lots of howling the next time the taxpayers call to settle with the county treasurer.

A true story of the doings in northwest Kansas since it was invaded by the Deweys would read like a novel. The public's knowledge of the story dates from the day of the great tragedy the third of last June. The real story is the history of the months before the rifles cracked on that day. What was the real beginning of the Dewey-Berry feud that resulted so disastrously for the latter? What was the fuel that fanned the sparks of prejudice into flames of hatred that ended in bloodshed? The elder Berry's were of Quaker extraction and not given to war and the son, Alphonse, is said to have been a pious man. No one who knows Chaney Dewey will entertain the notion that he is given to rashness and would put his neck into the noose of the law by staining his hands with human blood. The court records show that there was litigation between the factions. The Deweys did not always win their point there. The Berrys could not compete with the Deweys in wealth nor in numbers, in power nor in law. But they could harass. The Dewey cattle could eat the crops of the Berrys, but their thick hides were not proof against the unerring aim of Berry rifles. So the feud grew. Here in town today is an old woman whose hair is as white as the driven snow. There is a young woman with a golden-haired blue-eyed baby. The other woman now mourns the loss of a husband and two sons, the younger a husband, and the babe a father. There is still another old person—a man—who is grieving over the possible outcome of an only son. There have been overtures of peace between the factions. Indeed, it is said that at one time but fifty dollars stood between them and a peaceful settlement of differences. But the proper person, he with a cool head and wise tongue, was not there to plead the Berry cause and the opportunity passed on and returned no more. There will be conflicting evidence on the stand. In a case of this magnitude no two pairs of eyes see alike from opposite vantage points. The most damaging witnesses will not be here. They are sleeping in three separate graves in Cheyenne county. A grim reminder of the battle will be on the stand in the shape of that ugly scar on the side of Roy Berry's face. It is well understood that Chaney Dewey will go onto the stand. For the first time the public will then hear both sides of the controversy. He the verdict of the jury what it may, it will never heal the wound. The feud, baptized in blood, will not fade from the old factions. The olive branch will only be waved by new generations.

Should Sheriff Hatcher of Norton collect all the fees allowed him under the statutes for summoning jurors in the Dewey case he will have a snug sum of money. At the present time he has served papers on something over 500 veniremen in Norton county. The law allows an officer five cents a mile and fifty cents for each person served. Most of the jurors served by Sheriff Hatcher lived at considerable distances from the city, so the mileage fees will be well upward or more than a thousand dollars. Sheriff Hatcher is on a stated salary and so the fees would not enrich him personally. Hatcher will claim that the present work is extra and will ask Cheyenne county to pay the bill. It is expected that Cheyenne will kick and claim the duties are obligatory upon the sheriff and refuse to pay them without a suit. There is some question about it, and litigation is expected over the matter. Most of the county officers in northwest Kansas are on a stated salary. The fees which the law allows them are not sufficient to compensate them for the work they perform and so they enter into contract with

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the county commissioners and turn all the fees into the county treasury. The sheriff of Cheyenne county is also on a stated salary.

The present trial of the Dewey case has demonstrated more clearly than ever before that the laws of Kansas governing the selection of jurors need remodeling. In a case of the importance of this one it is possible for a clever defense and a broad interpretation of the law to prevent the securing of twelve men in the average county. The forming of an opinion from reading a newspaper report can be construed as a disqualification. Large daily papers now issue weeklies for twenty-five cents a year. In a county like Norton a few hundred dollars would circulate a paper so thoroughly that in the course of a few weeks there would not be a man in the county who would not have formed a strong opinion in regard to any event, especially if it happened to be a murder. This is a free country and it is in the blood of every citizen to form and express opinions on every current event of the day. It is not even intimated that the Deweys have adopted anything like this plan. 'Tis true that Chaney Dewey has made it a point to meet many of the citizens of Norton county. There is method in it. Dewey and all of the defendants are pleasant fellows to meet and create a favorable impression everywhere they go. One jurymen on the stand said that he had formed an opinion in the case before coming to town, but after seeing the defendants he had changed it on account of their nice gentlemanly appearance. The weakness of the present law is that disqualification can be exercised on account of a slight opinion in the mind of the juror. The man who has no opinion these days before going into the jury box is not apt to have much of a one when he comes out of it. In the present case some of the most intelligent, fairest minded men in this section of the country have been disqualified just because they had read an account of the tragedy in a daily paper. Judge Geiger took occasion to make that statement as one man left the box.

The wonderful progress of the rural districts of Kansas has been strongly brought out in the present trial. The

most salient feature is the advance made since the rural routes were established only a couple of years since. Two years ago farmers who took daily papers were comparatively scarce. The rural routes came and now all of them take them. The farmer who lives out ten miles does not get to town every day. If he comes once a week he is considered a "gadger." Now every evening he sits down at his own fireside and reads the current events of the world from the daily paper. The rural route man leaves at his gate in the morning. The farmer of this section is no longer the hard-headed son of toil, bewildered and uncouth, slow of thought and slower of action, that he has been pictured in the past. He is an up-to-date business man, well informed on current events and able to command a position of respect everywhere. From the township caucus to the marble halls of congress at Washington, some of them get there, too.

Judge Geiger made the most important ruling Tuesday of his entire judicial career, which embraces a period of about ten years. It is one that is designed to be far sweeping and commented much on by the legal fraternity of the state. It was nothing more nor less than refusing to disqualify a juror for the reason that he (the juror) had formed a slight opinion from the reading of newspaper reports about the case. It was after this ruling that the selection of a jury in the Dewey case became an assured fact. Before that veniremen were being bowled over almost as fast as the clerk could swear them in. Had things gone on the same as last week it is more than probable that no jury would have been secured. The defense has excepted some rulings like twenty-five times to the court's rulings on the jury, but the court is confident that nothing like a reversible error has yet crept into the case. The slowness of the case is partially due to the fact that the court is extremely cautious in all of its rulings.

Some rather amusing instances occur from the drawing of veniremen. One man summoned got onto the stand full of confidence. When asked where he lived, he replied Decatur county. Decatur county is an adjoining county to Norton. The Decatur county man was excused

amid amusement. Mayor Hinsdell of Norton appeared as a juror. When placed on the stand he asked to be excused on account of his many manifold municipal duties which devolved on him as the head of the city council. He was dismissed. One tall young fellow with a fiery red necktie got into the jury box very nervously. There was a look of deep concern on his weather-beaten countenance that amounted almost to despair. It transpired that his wedding was set for the next day and both he and the bride-to-be were almost frantic over the threatened postponement. He was excused and flew with the speed of a knight of chivalry to the side of his bride and joy. But one jurymen has been unearthed who did not read the papers. He only lasted a few moments. Two men appeared with stand-up collars. Morlan evidently considered such a style a disqualification, for he knocked them both off as soon as possible. The general run of the jurymen show marked intelligence.

Norton has enjoyed a business boom in certain lines since the trial opened up. The barber shops and restaurants are probably the most benefited aside from the hotels. The clothing stores have also had a brisk run on collars and shirts. Neckties are not deemed essential. Not a lawyer in the case wears a beard. There are enough attorneys to keep two barbers busy. The Western Union has a special operator here to handle the telegraph reports of the daily newspaper correspondents. The correspondents return a verdict on the case every night, but the attorneys for the defense set it aside the next morning.

Quite a number of the witnesses here from a distance have become tired of loafing around waiting for the case to open up and have gone to work. They draw their regular fees of a dollar, and a half a day and mileage, which with their wages makes them pretty good pay while here. There is no end of work in town and all the industries find employment. Any number of witnesses have returned to their homes at different parts of the state and will return when the case opens up. They have made arrangements to be summoned by telegrams. Jurymen are excused so fast that District Clerk

Davis is kept busy writing out warrants for them. None of them overlook the little question of their fees. They have their mileage figured out to a penny before they reach town.

Prejudice against the Deweys was not alone responsible for the removal of the case and change of venue from Cheyenne county to Norton. In Cheyenne there are but 65 qualified voters in the entire county. It would have been an impossibility to have come anywhere near securing a jury there. Nearly as many veniremen were used up in Norton county as there are voters in Cheyenne county. Besides, every man in Cheyenne county has a deep seated prejudice that no amount of evidence would remove. In Norton county the case will be tried strictly on its merits, as far as sentiment or prejudice are concerned. So far not enough public sentiment has appeared on the surface to sway the jury either way. They will have nothing but the evidence to consider. If Dewey, McBride and Wilson are convicted here it will be because the evidence all tends that way. In that event the supreme court will have the case to pass on. If affirmed there is no question but that it will be carried higher. Fairbairns are scarce who would sacrifice their only son for gold. The elder Dewey is no exception to the rule.

The last thing on earth to be suspected of the farmers of the bounding prairies of Norton county is of having weak lungs. Such is the case, however. Not to exceed ten times in the examination of the several hundred veniremen has it been necessary for either the court or counsel to time and again request them to speak louder. Veritable giants of the prairie get into the box and spit out their answers in tones that fail to reach the ears of the stenographers only five or six feet away. Nothing could more strikingly portray the decay of Populism. In these days Norton county has reformers whose voices could be heard across two townships easily. Another thing brought out by the examination is that the shortage country is getting old. Numbers of men testified that they had lived in the country for more than thirty years and twenty-year men were very common. Fair-haired and strong-limbed young men who came

here and wooed their happy homes from the unbroken prairie are now gray and bent with age. The shortage country is out of the cradle and able to feed itself.

The present condition of the wheat crop in northwest Kansas is somewhat unfavorable. This is the report from persons gathered here from all parts of the district. There has been so much this winter and consequently no moisture. Unless a heavy snow or good rains come soon the hundreds of threshing machines in this section will remain idle next fall.

General L. W. Colby, the Nebraska lawyer assisting the state in the prosecution of the case, has quite an interesting history. He was once adjutant general of Nebraska and was a brigadier general during the Spanish-American war. When General Grant visited Turkey on his tour of the world in 1902, the adjutant presented the great American soldier with a magnificent pair of purebred Arabian stallions. Grant selected one from the royal stables and the adjutant chose the other. The horses were known as Leopold and Lindbergh. They were shipped to the United States and General Grant presented one of them to General Grant and the other to his son, U. S. Grant, Jr. In 1898 General Colby succeeded in buying them and kept them at his home in Beatrice until both horses died of old age. Leopold was 21 and Lindbergh 12 years of age. There are now quite a number of the descendants of these famous horses in the United States. Prior to the Spanish-American war General Colby was at the head of the Cuban-American Volunteer legion, with headquarters in Mexico. Colby commanded a brigade of Nebraska troops during the Boxer Indian war in 1900-01. He was well acquainted with Chief Sitting Bull. At the battle of Wounded Knee Colby picked up an Indian peepoo on the field after the battle and carried it to a place of safety. He brought the baby back to Nebraska with him and has since adopted it. The baby has now grown into a girl of 14 years of age. She is a full-blood Sioux.

"NOT TIPS" ALLOWED.  
"Tip" said a well-to-do man the other day. "They're getting beyond the means of a certain town."

Such an arrangement would be no serious lax upon the host. Moreover, it would save the guests from occasional embarrassment and give his hospitality a less solid air."

Tokio, Feb. 20.—The Bank of Japan decided today to accept deposits of plate and jewels in aid of the war fund. President Monuma and the members of the bank recently offered to melt the plate and gold gifts made by the emperor to the fund. The emperor approved of the suggestion and also the conversion of large quantities of old coins and other palace treasures. His example is generally and patriotically followed, promises to swell the war fund enormously. The Bank of Japan offers to accept all such treasures at current rates, either buying them outright or returning them at the expiration of a certain term.

an ordinary folks in decent society. I visit nearly every Sunday in spring, summer and autumn the country home of some wealthy acquaintance, and I give you my word the tips are never less than eight or ten dollars, and I recall one house where they amounted to \$15.

"That means from Saturday afternoon to Monday morning. If I give the butler at any of my friends' houses less than \$5 he takes the first opportunity to make me uncomfortable, and all other servants must be treated in like fashion, though the tip need not be large."

"The thing is worse here than in England, because tipping is systematized there and it is not here. If you are invited to a dinner at an English country house and do not shoot or fish along a horse or an automobile, your tip can be kept within a reasonable limit. But here you are expected to a tipping competition with men who have no notion of the value of money."

"I saw not long ago a card of invitation to the house of a titled Englishman in which was engraved, 'It is requested that you graciously be given to the servants.' Why can't something of the sort be done here? Would it not minister to the dignity of a rich man to make a magnificent gift to his servants to give them a suitable tip for every guest that comes to his house and then request the guests to give no tips."

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## Spring Suits and Waists

In plain linen trimmed with Mexican drawn work and medallions. Sleeves made in the pouch style and a distinction in each style that makes them stand alone. They come in the Lightweight Figured Damasks, trimmed in medallion effects; fancy rich laces, clusters of tucks, Mexican drawn work in yoke, also sleeves to match.

We are showing a very handsome line of Silk Waists ranging in price from \$3.50 to \$8.00.

LADIES' WAISTS Made from light weight Damask trimmed in front with clusters of tucks and medallions, collar trimmed with medallions and edged in black, special \$350

LADIES' WAISTS Made from fine grade of lawn, trimmed in front with 3 rows of insertion, medallion in center of front. Sleeves and back tucked, special \$250

LADIES' WAISTS Made from a very fine grade of linen. Wide plaited front with medallions, trimmed on each side with 3 rows of tucks. Sleeves are trimmed with new 2-piece effects and tucked. Waists trimmed with a touch of blue linen, 4 rows of tucks in back, special \$500

The Dress Suits are very handsomely made from broadcloth and French voiles. Jackets are made in Eton and Bolero styles with wide girdles. Skirts are trimmed to match jackets.

LADIES' SUITS—All wool Scotch mixture in very pretty patterns. Jackets made in Eton style, trimmed in a green broadcloth with military buttons, and lined in satin. Skirt is round length trimmed with plaited panel effect front. 8 rows of stitching around bottom of skirt. Will compare favorably with most \$25.00 \$1750 Suits shown. Special

LADIES' SUITS Made of cheviot. Complete line of colors. Jackets trimmed in the very latest style taffeta lining. Skirts are trimmed to match. Splendid value \$2250

LADIES' SUITS Made from the very finest French mixtures. Jackets are the new 27-inch length, fitted back, box front, collar and cuffs trimmed in broadcloth and lined with silk. Skirts to match jacket. Very swell \$2500

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45-inch SANGALIER BOUTONNE voiles in the popular shades. Entirely new, at, yard \$100

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SCOTCH MIXED SUITINGS for early spring wear in black and white, blue and white, grey, tan and red, at, yard 58c

## COTTON DRESS FABRICS

Mull Tissue

Very similar to the Silk Mull, much lighter in weight, more sheer and in new shades. Colors, black, white, blue, pink, champagne, 32 inches wide 35c

Tissue Bourette

A between season cloth, very suitable for evening wear. Soft silky nub effect that will be so popular this season. You can practice economy in buying these now, 40c

## Shirt Waist Suit Materials

Are shown in too many styles to describe them. They are in rough open linen finish weaves. Prices 85c, 50c, 35c, and 25c

## CORSETS

Fashion says: "Hips in and straight front." This effect depends solely upon the corset. We have a full line of the right styles in the G. D. Justrite Corset that gives the new lines and makes the dress look like the figures shown in latest fashion plates. The G. D. is the most comfortable corset made because it is designed for women from living models to meet the need of every type of figure. It improves the stout, the thin, the tall, and the short figure, because it is designed for each. According to material, costs from

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